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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91195630	
Party	Defendant Golden Spirits L.L.C. dba Million Vodka	
Correspondence Address	WENDY B MILLS LAW OFFICE OF WENDY B MILLS 1700 PACIFIC AVE, SUITE 4560 DALLAS, TX 75201 UNITED STATES wbm@wbmillslaw.com	
Submission	Request to Withdraw as Attorney	
Filer's Name	Wendy B. Mills	
Filer's e-mail	wbm@wbmillslaw.com	
Signature	/Wendy B. Mills/	
Date	02/03/2012	
Attachments	First Amend Motion to Withdraw.pdf ( 3 pages )(25194 bytes )	

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MILLION BEVERAGE, LLC	§	
	<b>§</b>	
Opposer,	<b>§</b>	Opposition No. 91195630
	§	
	<b>§</b>	Serial No. 77626383
<b>v.</b>	<b>§</b>	
	§	
	§	
GOLDEN SPIRITS, LLC	§	
	§	
Applicant.	§	

# WENDY B. MILLS' FIRST AMENDED MOTION TO WITHDRAW AS COUNSEL FOR APPLICANT

#### TO THE HONORABLE TRADEMARK TRIAL AND APPEAL BOARD:

Wendy B. Mills attorney for Applicant, Golden Spirits, LLC ("Applicant" or "Client") respectfully requests permission to withdraw from representing Applicant.

In response to the Trademark Trial and Appeal Board's (the "Board") Order denying Wendy B. Mills [original] Motion to Withdraw as Counsel for Applicant without prejudice, Counsel for Client hereby files this Wendy B. Mills' First Amended Motion to Withdraw as Counsel for Applicant ("Amended Motion") to address the concerns of the Board and fully comply with the requirements of Trademark Rule 2.19(b) and Patent and Trademark Rule 10.40.

This Amended Motion is based on good cause in that Applicant has failed to make payment to counsel after Counsel's providing Client with its invoice for payment almost seven (7) months prior to the date of this Amended Motion. Client was notified numerous times that Counsel would need to withdraw from representation of Client, but no payment was received and still has not been received. Client has had at least four (4) months since Client authorized Wendy B. Mills' Withdrawal from representation of Client to employ other counsel. Four (4) months is more than a reasonable time to employ other counsel for this matter.

The basis for Withdrawal is as follows:

- Client has failed to pay its Counsel, Wendy B. Mills after being properly invoiced and continues to owe monies to its Counsel, Wendy B. Mills; and
- Client has been aware of Wendy B. Mills' desire to Withdraw for approximately seven (7) months and granted permission for such withdrawal on October 6, 2011 via electronic mail to Wendy B. Mills.

All papers and property relating to the above-named and numbered proceeding and to which the Client is entitled has been delivered to Client.

Counsel for Client has no funds remaining in any Trust fund for Client, as all funds have been depleted and Client continues to have a balance with Counsel, but has not yet paid this balance. Counsel provided Client with sufficient time for Client to employ other counsel, as Client was notified at least two (2) months prior to Counsel filing her Motion to Withdraw of her intention to withdraw as Client's Counsel and Client has had approximately four additional months since the original filing of the Motion to Withdraw on October 6, 2011 to hire other counsel. A copy of the original Motion to Withdraw was provided to Client prior to filing on October 6, 2011 and a copy of this First Amended Motion to Withdraw as Counsel for Applicant will also be provided to Client upon filing this document with the Board.

The withdrawal and substitution is not sought for delay alone.

A copy of this motion has been delivered to Applicant at Ste 101 407 E Louisiana Dr, Mckinney, TX 75069. Client has been notified in writing of its right to object to this motion, and consented to the original motion on October 6, 2011.

WHEREFORE, Wendy B. Mills respectfully requests that the Board make an order permitting her to withdraw from this cause.

Dated: February 3, 2012

Respectfully submitted,

By: <u>/Wendy B. Mills/</u>

Wendy B. Mills

LAW OFFICE OF WENDY B. MILLS

1700 Pacific Avenue, Suite 4560

Dallas, TX 75201 Tel: (214) 969-5995 Fax: (214) 764-7600 wbm@wbmillslaw.com

Attorney for Applicant **GOLDEN SPIRITS, LLC** 

#### CERTIFICATE OF TRANSMISSION

I hereby certify that this paper is being electronically transmitted to the United States Patent and Trademark Office on the date below:

February 3, 2012

/Wendy B. Mills/ Wendy B. Mills

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of February, 2012, a true and correct copy of the foregoing document was served by electronic mail on counsel of record for Opposer.and on Applicant, Golden Spirits, LLC.

/Wendy B. Mills/ Wendy B. Mills